

Summaries At-A-Glance: SAVIN Governance Committee (SGC)

Meeting Date	February 25, 2021
ATTENDEES	<p>Members Present: Randi Barretto, Crime Victim Compensation, SGC Chairperson (CVCC – SGC Chair); Andrew Morgan, Hawaii Paroling Authority (HPA); Suzy Ucol-Camacho, Department of Public Safety, Information Technology (PSD-MIS); Toby Wilson (Victim Representative)</p> <p>Designees Present: Deborah Chai, County of Hawaii Office of the Prosecuting Attorney, Victim Witness Program (Hawaii County VW); Llasmin Chaine, Sex Abuse Treatment Center (SATC); Dennis Dunn, County of Honolulu, Victim Witness Kokua Services (Hon VWKS); Greg Esteban, Hawaii County Police Department (Hawaii PD); Diana Gausepohl-White, County of Kauai Office of the Prosecuting Attorney Victim Assistance Unit (Kauai County VW); Tommy Johnson, Department of Public Safety, Deputy Director for Corrections (PSD); Marita Mullen, Maui County Prosecuting Attorney, Victim Witness Assistance Division (Maui VW); Edith Quintero, County of Maui Police Department (MPD); Chelsey Stewart, Hawaii State Coalition Against Domestic Violence (HSCADV);</p> <p>Others Present: Rima Ah Toong, Department of Public Safety, SAVIN Coordinator (PSD-SAVIN Coordinator); Nettie Arias, Restitution and Victim Assistance Services (PSD-RAVS); Tani Dydasco (PSD-RAVS); Juliet Sadama-Uemura (PSD-RAVS); Tiffany Wood, Appriss, Inc. (Appriss)</p> <p>Members Absent: Susan Ballard, City and County of Honolulu Police Department (Honolulu PD); Julie Ebato, Department of the Attorney General, Crime Prevention and Justice Assistance Division (AG-CPJAD); Carol McNamee, Mothers Against Drunk Driving (MADD); Dayna Miyasaki, Judiciary (JUD); Todd Raybuck, County of Kauai Police Department (KPD)</p>
DISCUSSIONS	<p>I. <u>Review and Approval of Meeting Minutes</u></p> <p><i>DISCUSSION/CONCERN(S)</i></p> <ul style="list-style-type: none"> • The January 26, 2021 meeting minutes were reviewed and approved by SGC members. <p>ACTION PLAN</p> <ul style="list-style-type: none"> • The SAVIN Coordinator will post the FINAL meeting minutes from January 26, 2021 and the provisional minutes from February 25, 2021 to the PSD SAVIN website.
	<p>II. <u>Legislative Updates</u></p> <p><i>DISCUSSION/CONCERN(S)</i></p> <ul style="list-style-type: none"> • Due to COVID-19, the State has difficult decisions to make regarding funding. There is a package of legislative bills aimed at changing how all special funds in the state operate. HB 1297 adds a 5% central services fee; HB 1298 transfers the \$1.5 million balance of SAVIN funds to the General Fund; and HB 1298 abolishes SAVIN and all other special funds so all new revenue would be deposited into the General Fund. The SAVIN system would be the only allowable costs; there would no longer be funds for operating costs or staff. • PSD will be submitting testimony opposing the bills. We need the SGC’s assistance submitting testimony to help safeguard the SAVIN program. The SGC Chair will email sample testimony to the SGC along with a fact sheet about the bills. The timeline for submitting testimony is likely to be very short. • The SGC Chair emphasized that the Legislature is focusing on finances and asking questions. • Ms. Ferguson-Brey (CVCC) provided an update on the Legislative schedule. The fiscal bills are single-referred and have to be heard and decked by March 15th. There will be very short notice for the hearings; there is usually only 48 hours to deliver testimony. The bills were drafted by the heads of the Finance Committee so they will be heard. Please be prepared when we send out the request for testimony. The fact sheets should make it clear where to send testimony and how to do it. The support of everyone is needed to save the SAVIN program.

	<ul style="list-style-type: none"> • Mr. Dunn (Hon VWKS) asked if the SAVIN Coordinator and SGC Chair have been working with other agencies impacted by the bill to coordinate a united response. • Ms. Ferguson-Brey (CVCC) responded that each agency was working through their fiscal staff to provide a response to the committee’s questions. She noted that the reality is the State needs money and there are some programs that have excess funds. It may be more useful to reach out to the broader community rather than coordinating with other agencies. • The SAVIN Coordinator stated she observed one of the hearings on HB 1297. The Legislators were questioning the testimony provided by the agencies and were more responsive to testimony from the community. • Ms. Ferguson-Brey (CVCC) added that the Legislature doesn’t hear agencies the same way as the community. They assume agencies are just protecting government as opposed to understanding that government is serving real people. <p>ACTION PLAN</p> <ul style="list-style-type: none"> • The SAVIN Coordinator and SGC Chair will draft sample testimony and send it out to Members. • SGC Members will submit testimony in opposition to HB 1297, HB 1298, and HB1299.
	<p>III. <u>SAVIN Marketing Materials and Swag</u></p> <p><i>DISCUSSION/CONCERN(S)</i></p> <p>Swag Distribution:</p> <ul style="list-style-type: none"> • The swag orders were mailed, and everyone should have received them. • The SAVIN Coordinator and RAVs unit will be visiting community health centers and food distribution agencies to distribute swag and brochures. • The SGC Chair asked what the timeline would be for distributing the remaining swag. The SAVIN Coordinator responded that it would occur before PSD moves to the new office in April. * <p>Outreach to Non-English Speakers:</p> <ul style="list-style-type: none"> • The SAVIN Coordinator will draft a plan for outreach to non-English speaking communities before the next SGC meeting. The plan will include translating the SAVIN brochure and other marketing materials, as well as targeted outreach to communities that may not be aware of SAVIN services. Once a draft plan is created, it will be shared with SGC members for additional recommendations and feedback. • If awarded, the plan will include outreach in April related to the OVC National Crime Victims’ Rights Week grant that was submitted in collaboration with RAVS and CVCC. • The SGC Chair added that she has been responding to a lot of questions from CVCC about the application, and hopefully that means we will receive the funding. <p>ACTION PLAN</p> <ul style="list-style-type: none"> • The SAVIN Coordinator will distribute swag and brochures to community agencies. • The SAVIN Coordinator will work with the SGC to create an outreach plan to non-English speaking communities.
	<p>IV. <u>SAVIN User Survey and HPA Analysis</u></p> <p><i>DISCUSSION/CONCERN(S)</i></p> <ul style="list-style-type: none"> • The SAVIN Coordinator noted that the minimum setting hearing analysis contained one error. The corrected version was distributed to SGC members.

- Ms. Gausepohl-White (Kauai County VW) noted that on the minimum term hearing analysis it shows 15 of the 39 hearings scheduled did not occur. She recommended that SAVIN adds a trigger to send notifications when minimum term hearings are delayed or cancelled. The notifications are date-driven, and if no new hearing date is entered the victim will not be informed the hearing was delayed. Some victims have to travel to Oahu to participate in those hearings and if they do not know the hearing has been delayed or cancelled it can be a big issue. Another notification trigger that has always been missing is related to furlough. The facilities are required to give the Prosecutor's Offices 30-day notice when an inmate is being considered for furlough. However, a victim is only notified when the person is actually released. This does not give the victim an opportunity to provide written testimony or objection during the furlough consideration process.
- The SAVIN Coordinator responded that the information required to set up a hearing delay notification for minimum setting hearings is already being captured in the HPA database, so it would be relatively easy to configure a new notification. When the notifications were originally configured, delay notifications were included for parole hearings but not for minimum setting hearings. It would be a good idea to standardize more across the different notification types.
- PSD will investigate whether PSD's offender management system captures the data required to set up an advance furlough consideration notification.
- The SGC Chair read a comment submitted by Ms. Chai through the Teams chat. Ms. Chai commented that victims have a lot of anxiety about hearings. Having 30% of hearings rescheduled seems high. PSD should research why this is occurring. There seems to be no consideration that continuations take a toll on victims.
- The SAVIN Coordinator responded that there are a lot of factors that may contribute to a hearing delay, such as the offender choosing not to participate, the offender asking for council last minute, council not being prepared and asking to postpone, the facility being closed because of COVID, the offender getting transferred to a different facility, and other reasons. Because there are so many factors, it can be difficult to predict ahead of time which hearings will be delayed. At the very least, we should make more information about how hearings work available in an FAQ so victims are aware hearings may be delayed last-minute. We can also dig a little more into the data to better understand what is occurring and how frequently.
- Mr. Dunn (Hon VWKS) commented that the strategies followed by defense council during minimum term hearings are no different than those used in court. Hearings are always deferred at the request of the offender because the State wants to avoid appeals. The Legislature has considered a bill that would reduce the number of continuances allowed in trial cases several times, but it always gets killed. Defendants have the right to choose their council and for council to be prepared, and judges are afraid of appeals. The Paroling Authority has procedures challenged and overturned in the past, so they are careful to ensure offenders rights are upheld. Victims do not have the same rights to ask for their convenience and trauma to be considered.
- Mr. Johnson (PSD) noted that the Attorney General's (AG) office advised HPA to continue the hearings if the inmate is unavailable, the attorney is unprepared, or if there are scheduling conflicts. Unfortunately, HPA must reschedule the hearing. HPA asks victims who fly to Oahu to call the day before to confirm the hearing has not been delayed. Even if they call there is no guarantee it will be held. There was one case where the inmate kept delaying, kept firing his attorney the day before the hearing, kept not wanting to participate. The victim's family flew in numerous times. It was only after HPA rescheduled the minimum setting hearing 15 to 20 times that the AG's office finally agreed the hearing could proceed regardless of the offender's participation. However, the hearing had already been delayed for years while they exhausted every effort to get the offender and his attorneys to participate. HPA doesn't have a choice in those circumstances. Maybe it should be communicated to the victim that these things can happen, it is no fault of theirs, and the agencies are trying their best to move the hearings forward as quickly as possible.
- Ms. Gausepohl-White (Kauai County VW) added that by the time the minimum setting hearing is held, the victim has already learned how the criminal justice system functions and that delays and continuances are common. However, we should ensure that as soon as

we know a hearing is delayed a notification is made to the victim so they have as much advance notice as possible.

- Mr. Johnson (PSD) recommended sharing the issue with the HPA Director. The staff responsible for entering hearing data are usually at the hearing site on the hearing date. Staff may not have the victim contact information with them. If staff know to bring contact information, they can let the victim know right away.
- Ms. Gausepohl-White (Kauai County VW) reiterated that a minimum setting hearing delay notice needs to be added to SAVIN. There is one case where she, the victims, and prosecutor, all flew to Oahu three times because the offender was entitled to new minimum term hearings due to Supreme Court decisions. Offender's rights must be upheld; we don't want to have to come back years later to correct something that went wrong. However, if HPA knows three weeks in advance the hearing is delayed then there is no reason not to inform the victim the hearing has been delayed.
- Mr. Johnson (PSD) volunteered to follow-up with the HPA Director and recommended that someone else from the SGC follow-up as well.
- The SAVIN Coordinator shared a comment from Ms. Mullen. Recently, a victim and their family were not able to travel to participate in a minimum term hearing and asked to participate via videoconference instead. The HPA staff who normally coordinates remote participation was out on vacation, and the other staff could not figure out how to set it up.
- Mr. Johnson (PSD) clarified that parole hearings are not subject to the Sunshine Law and are not open unless the Chair allows individuals to observe.
- Ms. Gausepohl-White (Kauai County VW) shared a recent case where an offender was up for a parole hearing. He sexually assaulted the victim 20 years ago, and the victim wanted to observe but did not want the offender to see what she looks like now. The AG previously gave an opinion that although victims could not submit oral testimony, they can observe the hearing. Videoconferencing was available but the hearing was delayed because the offender engaged the Hawaii Innocence Project at the last minute. HPA was very accommodating and arranged for videoconferencing.
- The SAVIN Coordinator shared that Appriss has offered to review all parole-related notification triggers to better align with how HPA and the hearings function. SAVIN can also have discussion about what kind of participation is available and create resources so victims have access to that information.
- Ms. Ferguson-Brey (CVCC) recommended that the SAVIN Coordinator coordinate with the CVCC Post-Conviction Advocate to work on solutions to these issues.
- Mr. Dunn (Hon VWKS) asked if there is a requirement to notify the offender and their attorney if the victim chooses to participate by observing the hearing remotely.
- Mr. Johnson (PSD) answered that it is up to the Parole Board Chair. Generally, the Chair will notify the offender and their council of everyone who is in the room or participating remotely. However, they do not have to refer to the victim by name. The only hearing the victim can speak at is the minimum term hearing. They can be present but not speak at a parole hearing. Neither the victim nor the prosecutor is allowed at a parole violation hearing as they relate to technical violations and not the offense. When victims submit written testimony, HPA will redact out any contact information. However, victim witness staff should let victims know not to include that type of information.
- Ms. Gausepohl-White (Kauai County VW) confirmed that when the victim is submitting testimony through their office, they treat it like discovery and ensure no contact information is included.
- The SAVIN Coordinator noted that overall SAVIN is a great system. However, it is not a catchall. We cannot rely solely on SAVIN to fulfill all notification and information needs. We need to have ongoing communication and other resources in addition to SAVIN.
- Ms. Gausepohl-White (Kauai County VW) stated that prior to SAVIN her office submitted requests for notification in writing and confirmed with HPA and the facility that the request was in the offender's file. When this process was used there were no missed

	<p>notifications. She still gets calls from the facilities about crimes that occurred twenty years ago. The facilities are very good at fulfilling their legal responsibility when there is a notification request on file.</p> <p>ACTION PLAN</p> <ul style="list-style-type: none"> • The SAVIN Coordinator will work with the CVCC Post-Conviction Advocate to address parole hearing notification issues. • The SAVIN Coordinator will work with Appriss and HPA to review notification triggers and make changes as needed.
	<p>V. <u>Monthly SAVIN Reporting</u> <i>DISCUSSION/CONCERN(S)</i> SAVIN data tracking and training:</p> <ul style="list-style-type: none"> • There were 17 system tests conducted in November, including 16 Resynchronization Reports (Resyncs) and one 1 manual data quality tests. • Fourteen (14) of the Resyncs resulted in “missed notifications” that needed to be manually checked by PSD. From those, 50 notifications were approved and 109 were rejected. • The manual data check included comparison of release dates in PSD’s offender management system with the release dates listed in notifications. There is an issue with how the timestamp on the release data is being read by VINE. For example, a notification might be sent on the 24th, dated the 25th, and the language of the notification states the offender was released on the 24th. A ticket was opened, and Appriss is testing solutions. • Mr. Dunn (Hon VWKS) shared that sometimes his office will be notified that an offender is due to be released, but the SAVIN notification confirming his release comes as much as a week later. This occurs usually with supervised releases. He asked if this occurs is because the person or program supervising the offender does not “show up” and the release is delayed. • The SAVIN Coordinator confirmed that offender sometimes must wait for space to open up at the program. Some of the programs have been dealing with capacity issues, particularly during the pandemic. She requested that Mr. Dunn email her if he sees that occur. She noted that the more we can document all these situations, the more information we can share with SAVIN registrants on what to expect. • Mr. Dunn (Hon VWKS) mentioned he has also seen cases where he gets a release notification and then verifies the person was released on one charge but has other pending charges. Later, he receives notification that the person has been returned to custody. It is unclear from the notifications if the person left PSD custody or not. • The SAVIN Coordinator mentioned that if a release is entered on OffenderTrak, the notification will go out. She has seen instances where a person is released and then rebooked in a short amount of time. She asked that Mr. Dunn email her when that occurs as well. • Five (5) Appriss tickets were opened in January, and progress was reported on seven (7) open ticket and three (3) tickets were closed. Most tickets are for parole-related notification issues. One (1) ticket was related to the issue with dates mentioned above. The Appriss team has been working diligently to research issues and resolve them as quickly as possible, while still taking the time to confirm fixes work as expected. • The SAVIN Coordinator also started “daily notification checks,” or reviews of all notifications made the prior day, at least three (3) times per week. Reviewing notifications so frequently has resulted in an increase in tickets. The number of tickets is likely to decrease over time. Some issues appear to have existed for years but were not identified because systematic reviews were not being done. • Appriss has closed the ticket related to photos. They were able to confirm over 99% of photos are being picked up correctly. Due to the load on the photo system, there will be an occasional missed photo. However, Appriss will resolve those rare instances on a case-by-case basis. • Ms. Wood (Appriss) added that the photo system picks up all photos every time it runs rather than just picking up changes to photos.

	<p>This causes a stress on the system. Overall, the linkage rate is over 99%. If a photo is missed, they can manually add it.</p> <ul style="list-style-type: none"> • There were 40 calls to Appriss Victim Service Representatives (VSRs) during the month and 25 email requests for additional support. The topics included: add to allow list – 28, search for an offender – 13, delete notification/stop notification – 6, notification question – 7, agency referral – 2, technical assistance/question – 2, data question/inquiry – 2, request for access – 2, and dead air – 2, and resync data interruption - 1. • There was also one call the SAVIN line regarding information on an offender’s release date. • The SAVIN Coordinator is working with Appriss to draft the training presentation for facility staff. The train-the-trainer was delayed until the beginning of March. • The priorities for March are to continue mapping out the different notification pathways and to finalize the PSD facility training presentation. <p>SAVIN Inquiry Reports:</p> <ul style="list-style-type: none"> • Three (3) SAVIN inquiry forms were received in January related to HPA notifications which was already being reviewed. Six (6) inquiries from prior months are still “open” and three (3) are pending while Appriss works on a system fix. Almost all inquiries are for parole-related notifications. The SAVIN Coordinator thanked Appriss staff for ensuring that all issues get addressed. <p>SAVIN Special Funds:</p> <ul style="list-style-type: none"> • SAVIN collections were received from all facilities. Collections are around \$30,000 to \$40,000 per month and expenditures are about \$15,000. The program is sustainable at current revenues. • As of January 31, 2020, the SAVIN fund balance was \$1,561.303.47. <p>ACTION PLAN</p> <ul style="list-style-type: none"> • The SAVIN Coordinator will follow-up with other facilities and their SAVIN collection process. • PSD will continue to conduct analysis on how different types of notifications function. • The SAVIN Coordinator will work on developing a training plan and to update training materials and “cheat sheets.”
	<p>VI. SAVIN RFP Status</p> <p><i>DISCUSSION/CONCERN(S)</i></p> <ul style="list-style-type: none"> • The RFP Subcommittee met and discussed the initial scoring of proposals. They compiled a list of vendor questions that PSD Procurement will be sending to get clarification on proposed activities and deliverables. Vendor references were also called. • The SGC Chair noted that while the subcommittee tried to encourage a range of vendors to submit proposals, it was difficult based on the procurement timeline. However, the RFP subcommittee is working hard to ensure the system we procure reflects our needs. • Mr. Dunn (Hon VWKS) mentioned that their office will be procuring a new information system and they have discussed trying to integrate with police, parole, and SAVIN. • The SAVIN Coordinator noted that possible expansion to include HPD was part of the scope of work in the RFP. However, integrating more agencies with SAVIN may increase the cost. • Mr. Dunn (Hon VWKS) noted that if it is possible to create an integrated system, some of the cost could come from their grant. Additionally, each county could pay for a share of the interface as well. • The SAVIN Coordinator noted that the new contract will allow for in-depth review of how all the notifications are configured. <p>ACTION PLAN</p>

	<ul style="list-style-type: none"> PSD will continue to move forward with the RFP on an accelerated timeline.
ADJOURNMENT	<ul style="list-style-type: none"> The meeting was adjourned at approximately 10:10 a.m.
NEXT MEETING	<ul style="list-style-type: none"> The next meeting is tentatively set on Monday, March 22, 2021, via Teams (9:00 am -10:30 am) The JRI Workgroup Meeting is on Monday, March 29, 2021, via Teams (9:00 am - 11:00 pm)

*This statement was corrected. The SAVIN Coordinator incorrectly stated the move would be completed by the end of March.

Provisional Draft submitted: 3/3/2021